

2-10-06

IFu



Express Mail No.: EV452776056US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kiener et al.

Confirmation No.: 5469

Application No.: 10/823,254

Group Art Unit: 1642

Filed: April 12, 2004

Examiner: Nickol, Gary B.

For: EPHA2 AND HYPERPROLIFERATIVE
CELL DISORDERS

Attorney Docket No.: 10271-060-999

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.56 AND §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 and §1.97 to inform the United States Patent and Trademark Office ("USPTO") of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby invite the Examiner's attention to references A62-A85, B28-B50, and C317-C335 listed on the attached form entitled "List of References Cited by Applicants."

Copies of references B28-B50 and C317-C335 are submitted herewith. Copies of references A62-A85 are not submitted herewith because they are U.S. patents or U.S. patent application publications. Pursuant to 37 C.F.R. § 1.98 (a)(2)(i) as amended (*see* Fed. Reg. vol. 69, no. 182, Sept. 21, 2004), the requirement for providing a copy of each U.S. patent or U.S. patent application publication listed in an Information Disclosure Statement in a patent application, regardless of the filing date of the application, is eliminated.

Identification of the listed references is not meant to be construed as an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(b)(3), Applicants believe that no fee is due in connection with the filing of this Information Disclosure Statement. However, should the Patent Office determine otherwise, please charge the necessary fee to Jones Day Deposit Account No. 50-3013. A duplicate of this sheet is enclosed.

Respectfully submitted,

Date: February 8, 2006

Margaret B. Brivanlou 40,922
Margaret B. Brivanlou (Reg. No.)

By: Lynda Q. Nguyen 54,338
Lynda Q. Nguyen (Reg. No.)

JONES DAY
222 East 41st Street
New York, New York 10017-6702
(212) 326-3939

Enclosure



Express Mail No.: EV452776056US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kiener et al.

Confirmation No.: 5469

Application No.: 10/823,254

Group Art Unit: 1642

Filed: April 12, 2004

Examiner: Nickol, Gary B.

For: EPHA2 AND HYPERPROLIFERATIVE
CELL DISORDERS

Attorney Docket No.: 10271-060-999

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.56 AND §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 and §1.97 to inform the United States Patent and Trademark Office ("USPTO") of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby invite the Examiner's attention to references A62-A85, B28-B50, and C317-C335 listed on the attached form entitled "List of References Cited by Applicants."

Copies of references B28-B50 and C317-C335 are submitted herewith. Copies of references A62-A85 are not submitted herewith because they are U.S. patents or U.S. patent application publications. Pursuant to 37 C.F.R. § 1.98 (a)(2)(i) as amended (*see* Fed. Reg. vol. 69, no. 182, Sept. 21, 2004), the requirement for providing a copy of each U.S. patent or U.S. patent application publication listed in an Information Disclosure Statement in a patent application, regardless of the filing date of the application, is eliminated.

Identification of the listed references is not meant to be construed as an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(b)(3), Applicants believe that no fee is due in connection with the filing of this Information Disclosure Statement. However, should the Patent Office determine otherwise, please charge the necessary fee to Jones Day Deposit Account No. 50-3013. A duplicate of this sheet is enclosed.

Respectfully submitted,

Date: February 8, 2006

Margaret B. Brivanlou 40,922
Margaret B. Brivanlou (Reg. No.)

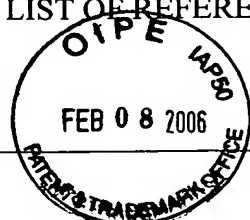
By: Lynda Q. Nguyen 54,338
Lynda Q. Nguyen (Reg. No.)

JONES DAY
222 East 41st Street
New York, New York 10017-6702
(212) 326-3939

Enclosure

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)



ATTY. DOCKET NO.

10271-060-999

APPLICATION NO.

10/823,254

APPLICANT

Kiener et al.

FILING DATE

April 12, 2004

GROUP

1642

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A62	2002/0164326	11/7/02	Young et al.			
	A63	2002/0098189	7/25/02	Young et al.			
	A64	6,696,550	2/24/04	Larosa et al.			
	A65	6,656,467	12/2/2003	Young et al.			
	A66	6,555,321	4/29/03	Daniel et al.			
	A67	6,063,903	5/16/00	Bartley et al.			
	A68	5,981,246	11/9/99	Fox et al.			
	A69	5,955,291	9/21/99	Alitalo et al.			
	A70	5,837,448	11/17/98	Lemke et al.			
	A71	5,814,479	9/29/98	Zhou et al.			
	A72	5,798,448	8/25/98	Caras et al.			
	A73	5,795,775	8/18/98	Lahm et al.			
	A74	5,795,734	8/18/98	Flanagan et al.			
	A75	5,766,886	6/16/98	Studnicka et al.			
	A76	5,747,033	5/5/98	Davis et al.			
	A77	5,738,844	4/14/98	Beckmann et al.			
	A78	5,728,813	3/17/98	Lyman et al.			
	A79	5,670,625	9/23/97	Lyman et al.			
	A80	5,650,504	7/22/97	Bartley et al.			
	A81	5,635,177	6/3/97	Bennett et al.			
	A82	5,627,267	5/6/97	Lyman et al.			
	A83	5,624,899	4/29/97	Bennett et al.			
	A84	5,516,658	5/14/96	Beckmann et al.			
	A85	5,512,457	4/30/96	Lyman et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B28	WO01/64751	9/7/01	PCT				
	B29	WO 99/17796	4/15/99	PCT				
	B30	WO 99/10495	3/4/99	PCT				
	B31	WO 99/08696	2/25/99	PCT				
	B32	WO 98/01548	1/15/98	PCT				
	B33	WO 97/36919	10/9/97	PCT				
	B34	WO 97/23629	7/3/97	PCT				
	B35	WO 97/15667	5/1/97	PCT				

B36	WO 97/14966	4/24/97	PCT				
B37	WO 96/26958	11/6/96	PCT				
B38	WO 96/23000	8/1/96	PCT				
B39	WO 96/17925	6/3/96	PCT				
B40	WO 96/13518	5/9/96	PCT				
B41	WO 96/10911	4/18/96	PCT				
B42	WO 96/09384	3/28/96	PCT				
B43	WO 96/03043	2/8/96	PCT				
B44	WO 96/02645A	2/1/96	PCT				
B45	WO 96/01839	1/25/96	PCT				
B46	WO 95/28484	10/26/95	PCT				
B47	WO 95/27061	10/12/95	PCT				
B48	WO 95/27060	10/12/95	PCT				
B49	WO 95/06065	3/2/95	PCT				
B50	WO 94/11384	5/26/94	PCT				

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

C317	Bennett et al., 1995, "Molecular cloning of a ligand for the EPH-related receptor protein-tyrosine kinase Htk, PNAS USA 92(6): 1866-1870
C318	Bennett et al., 1993, Blood 82 (10 Suppl 1): 107A
C319	Caton, A.J. et al., 1986, "Structural and Functional Implications of a restricted antibody response to a defined antigenic region on the influenza viral hemagglutinin," EMBO, 5(7):1577-1587
C320	Easty et al., 1998, British Journal of Cancer 78: 137
C321	Easty et al., 1997, "Loss of expression of receptor tyrosine kinase family genes PTKT and SEK in metastatic melanoma," Int. J. Cancer 71:1061-1065
C322	Griffeon et al., 2000, "Angiogenesis: potentials for pharmacologic intervention in the treatment of cancer, cardiovascular diseases, and chronic inflammation," Pharmacol Rev. 52(2):237-68
C323	Groopman et al., 1994, "Cloning and characterization of HTK, a novel transmembrane tyrosine kinase of the EPH subfamily," JBC 269(19): 14211-14218
C324	Leonie et al., 1997, "Lerk2 (ephrin-B1) is a collapsing factor for a subset of cortical growth cones and acts by a mechanism different from AL-1 (ephrin-A5)," Molecular and Cellular Neuroscience 9(4): 314-328
C325	Lu et al., 2003, "EphA2 overexpression decreases estrogen dependence and tamoxifen sensitivity," Cancer Res. 63(12):3425-3429
C326	Magal et al., 1996, "B61, a ligand for the Eck receptor protein-tyrosine kinase, exhibits neurotrophic activity in cultures of rat spinal cord neurons," Journal of Neuroscience Research 43(6): 735-744
C327	Oates et al., 1999, "An early developmental role for eph-ephrin interaction during vertebrate gastrulation," Mechanisms of Development 83/1-2 (77-94)
C328	Pratt et al., 2003, "Ligand binding up-regulates EphA2 messenger RNA through the mitogen-activated protein/extracellular signal-regulated kinase pathway," Mol. Cancer Res. 1(14):1070-1076
C329	Scadden et al., 1994, Journal of Cellular Biochemistry Supplement 0(18 Part A): p31
C330	Shao et al., "Characterization of B61, the ligand for the Eck receptor protein-tyrosine kinase," 1995, JBC 270(10): 5636-5641
C331	Tillman, D.M. et al., 1992, "Both IgM and IgG Anti-DNA Antibodies are the Products of Clonally Selective B cell Stimulation in (NZB x NZW)F1 Mice," J. Exp Med. 176(3):761-779
C332	Vogt et al., 1998, "Overexpression of Lerk-5/Eplg5 messenger RNA: a novel marker for increased tumorigenicity and metastatic potential in human malignant melanomas," Clin Cancer Res. 4(3):791-7
C333	Wang et al., 1998, "Molecular distinction and angiogenic interaction between embryonic arteries and veins revealed by ephrin-B2 and its receptor Eph-B4," Cell 93: 741-753

OTHER REFERENCES *(Including Author, Title, Date, Pertinent Pages, Etc.)*

C334	Wang et al., 71 st Scientific Sessions of the American Heart Association, Dallas, TX, Nov. 8-11, 1998, Vol. 98, No. 17 Suppl., page 168
C335	Yancopoulos et al., 1998, "Vasculogenesis, angiogenesis, and growth factors: ephrins enter the fray at the border," Cell 93: 661-664

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.